

REMARKS

Claims 1-15 and 33-43 are all the claims pending in the application. Claims 1-15 and 33-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Palcic *et al.* (U.S. Patent No. 5,827,190; hereinafter “Palcic”).

Applicant thanks the Examiner for the telephone conversation of February 17, 2006, during which the Applicant’s representative pointed out that the patentability of claims 39-43 were not addressed in the current Final Office Action. During the telephone conversation, the Examiner requested that the Applicant respond to the current Final Office Action and that the Examiner would provide another subsequent Office Action addressing the patentability of claims 39-43. Applicant will look forward to receiving another Office Action in the next communication from the PTO addressing the patentability of claim 39-43.

As for claims 1-15 and 33-43, the Examiner maintains that Palcic suggests light having an intensity equal to at least a specified value or light having an intensity lower than the specified value, as claimed. Applicant respectfully requests the Examiner to provide prior art which would support the position that it would have been obvious to modify the “use of a remittance image to account for non-uniformity due to different changes including illumination density (see col. 2, lines 28-31)” and the normalization process to render claims 1 and 2 obvious. Without prior art or Official Notice, the Examiner cannot summarily allege that claims 1 and 2 would have been obvious.

Even assuming *arguendo*, that Palcic discloses having specified values or thresholds, there is still nothing in Palcic which suggests:

i) making a judgment as to whether each of image areas embedded in the tissue condition image is *an abnormal light affected area, which has been affected by light having an intensity equal to at least a specified value, or a normal light detection area, which has been formed with light having an intensity lower than the specified value*, the judgment being made in accordance with at least one image, which is among the first fluorescence image, the second fluorescence image, and the reflected reference light image, and

Without suggesting the relationship between the abnormal light affected area and the specified value and the relationship between the normal light detection area and the specified value, i.e., being equal to or lower than the specified value, Palcic cannot possibly teach, suggest or provide motivation for the making a judgment as to whether each of image areas embedded in the tissue condition is an abnormal light affected area . . . , or a normal light detection area, to render claims 1 and 2 obvious.

Therefore, for at least the above reasons, claims 1 and 2 are patentable.

Claims 3-15 and 33-38, which depend from claim 1 or 2, are patentable for at least the reasons submitted for claims 1 and 2.

In addition, claims 3, 33 and 36 are patentable for the reasons submitted in the previous amendment. Palcic fails to disclose or suggest for:

an apparatus wherein the specified value is determined in accordance with an intensity of the reflected reference light, which intensity indicates the presence of regularly reflected light, in the reflected reference light image (claim 3),

dividing values of the first fluorescence image by values of the second fluorescence image to obtain *chrominance signal components*; and transforming values of the reflected reference light image into a *luminance signal component* (claim 33), and a color operation processing section receiving values of the first fluorescence image and values of the second fluorescence image to obtain to output *chrominance signal components*; and a luminance operation processing section receiving values of the regularly reflected light image to output a *luminance signal component* (claim 36).

Here, Applicant respectfully requests the Examiner to specifically point out where the above features are disclosed or suggested in Palcic.

Applicant notes that an effect of the present invention is that the judgment of abnormal and normal areas can be made relative to only one image, such as a reflected reference. However, Palcic requires judgment with respect to multiple images, such as an autofluorescence and reflectance image.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. APPLN. NO.: 09/758,126

ATTY MATTER NO. Q61243

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

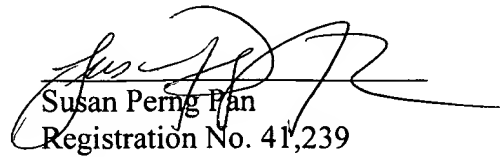
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